

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Board of Medical Examiners

Emergency Temporary Permit for Physicians and Allied Health Care Practitioners (LAC 46:XLV.412)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), the Louisiana Medical Practice Act, R.S. 37:1270(B), 1275(B), and the Louisiana Health Emergency Powers Act, R.S. 29:769(E), as amended by Act No. 207 of the 2006 Regular Session of the Louisiana Legislature, the Louisiana State Board of Medical Examiners has determined that emergency action is necessary to facilitate the issuance of emergency temporary permits so that physicians and allied health care practitioners from other states may provide our citizens with emergency medical services during and following a public health emergency, as declared by the Governor of this state. This emergency rule creates the process for issuing emergency temporary permits to physicians and allied health care providers who hold a current and unrestricted license or other authority to practice their profession in another state, and who are in good standing in such jurisdictions. Emergency action is necessary to adequately prepare for the 2006 hurricane season, which commenced on June 1, 2006. Immediate implementation of this rule is in the public's best interest in the event that a public health emergency is declared by the Governor prior to the final promulgation of the rule in accordance with the provisions of the Administrative Procedure Act, R.S. 49:951, *et. seq.* This rule, which was adopted by the Board and became effective as of July 21, 2006, shall remain in effect for a maximum of 120 days or until a final Rule is promulgated, whichever occurs first. For more information concerning this emergency rule you may contact Robert L. Marier, M.D., Executive Director at (504) 568-6820. This emergency rule, along with appropriate contact and processing information for applications, is available on the internet at www.lsbme.louisiana.gov (Emergency Temporary Licensure), and may be obtained from the Board office from 8:30 AM until 4:30 PM Monday through Friday, 630 Camp Street, New Orleans, LA 70130. Copies of this Emergency Rule may also be requested by telephone (504) 568-6820.

Title 46 PROFESSIONAL AND OCCUPATIONAL STANDARDS Part XLV. Medical Professions Subpart 2. Licensure and Certification Chapter 3. Physicians

Subchapter H. Restricted Licensure, Permits

[ALL OF THE FOLLOWING IS NEW]

§412 Emergency Temporary Permits

A. As used in this Section, the following terms shall have the following meanings:

"Allied health care practitioner," an individual, other than a physician, authorized by the board to practice in this state as an athletic trainer pursuant to R.S. 37:3301 through 3312; as a clinical exercise physiologist pursuant to R.S. 37:3421 through 3433; as a clinical laboratory scientist pursuant to R.S. 37:1311 through 1329; as a midwife pursuant to R.S. 37:3240 through 3257; as an occupational therapist or occupational therapy assistant pursuant to R.S. 37:3001 through 3014; as a perfusionist pursuant to R.S. 37:1331 through 37:1343; as a physician assistant pursuant to R.S. 37:1360.21 through 1360.38; as a podiatrist pursuant to R.S. 37:611 through 628; as a polysomnographic technologist or polysomnographic technician pursuant to R.S. 37:2861 through 2870; as a private radiological technologist pursuant to R.S. 37:1292; or as a respiratory therapist or respiratory therapy assistant pursuant to R.S. 37:3351 through 3361.

"Board," the Louisiana State Board of Medical Examiners established pursuant to R.S. 37:1263.

"DHH," the Louisiana Department of Health and Hospitals or its successor in title.

"Physician," an individual authorized by the board to practice medicine in this state, pursuant to R.S. 37:1261-1291.

B. The board may issue an emergency temporary permit to an individual to practice as a physician or allied health care practitioner, valid for a period of not more than 60 days, to provide voluntary, gratuitous medical services in this state during a public health emergency, and for such periods thereafter as DHH shall deem the need for emergency services to continue to exist, at sites specified by DHH or approved by the board, provided such individual:

1. holds a current, unrestricted license in good standing issued by the licensing authority of another state to practice the profession for which the permit is sought; and

2. presents or causes to be presented to the board in advance of providing medical services:

- a. indisputable personal identification;

- b. a copy of his or her professional license or other information deemed satisfactory by the board on which to verify out-of-state licensure;

- c. a completed application and/or such information as may be required by the board; and

- d. as to an allied health care practitioner required by the laws of this state to practice under physician supervision, designation of a physician who will serve in such capacity.

C. An emergency temporary permit may be issued upon such terms, conditions, limitations or restrictions as to time, place, nature, and scope of practice as are, in the judgment of the board, deemed necessary or appropriate to its responsibilities under law.

D. The board may, in its discretion, issue a permit under this Section to an individual to practice as a physician or allied health care practitioner who provides medical services other than on a gratuitous basis, and/or at sites other than those specified by DHH or approved by the board. The board may also issue a permit to an individual who satisfies the provisions of R.S. 29:735.I.

E. A physician or allied health care practitioner shall visibly display a permit issued under this Section, or such other identifying information as the board may specify, in plain view on his or her person at all times while exercising the privileges of such permit.

F. An emergency temporary permit entitles the holder to engage in the practice of his profession in the state of Louisiana only for the period specified by such permit and creates no right or entitlement to licensing, registration, certification or renewal of the permit after its expiration.

G. A permit issued under this Section shall expire and become null and void on the earlier of:

1. 60 days from the date on which it was issued;
2. a date specified on the permit less than 60 days from the date of issuance; or
3. the date that the term of voluntary service is terminated.

H. The board may, in its discretion, extend or renew an expired emergency temporary permit for one or two additional 60-day periods provided all conditions prerequisite to original issuance are satisfied.

I. Following termination of a public health emergency the board may, in its discretion, issue, extend or renew a permit under this Section during such period as DHH shall deem the need for emergency services continues to exist.

J. In the event of a conflict between the provisions of this Section respecting emergency temporary permits and those contained in any Chapter administered by the board respecting an allied health care practitioner, the provisions of this Section shall govern.

K. If any rule, Section, provision or item of this Chapter or the application thereof is held to be invalid, such invalidity shall not affect other rules, Sections, provisions, items or applications, and to this end the rules, Sections, provisions and items of this Chapter are hereby deemed to be severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 1275; R.S. 37:3301 through 3312; R.S. 37:3421 through 3433; R.S. 37:1311 through 1329; R.S. 37:3240 through 3257; R.S. 37:3001 through 3014; R.S. 37:1331 through 37:1343; R.S. 37:1360.21 through 1360.38; R.S. 37:611 through 628; R.S. 37:2861 through 2870; R.S. 37:1292; R.S. 37:3351 through 3361 and R.S. 29:769(E).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR.

LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS

Robert L. Marier, M.D.
Executive Director